IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRTEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 22023 of 1999

Between:

Gowrisetty Lakshmaiah,

S/o Mogilaiah, aged 50 years,

Occupation:Business,

R/o Pandilla Village, Husnabad Mandal,

Karimnagar District.

..... PETITIONER

AND

1. Commissioner of Excise & Prohibition, Hyderabad.

2. The Dy.Commissioner, Prohibition & Excise,

Karimnagar Division at Karimnagar.

3. Prohibition & Excise Inspector, Husnabad Station,

Karimnagar.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus or any other appropriate writ or writs, order or direction, declaring the action of the respondents in confiscating the vehicle bearing Regn.No.AP 15 T 1873 belonging to the petitioner vide order dated 03-04-1999 in

CR.No.59/99/P&Ex/B4 on the file of the 2nd respondent and the order dated 25-09-1999 passed in CR No.1475/99/B2 on the file of the 1st respondent as illegal, arbitrary and without jurisdiction; and consequently direct the respondents to release the vehicle to the petitioner; and award costs.

Counsel for the Petitioner:MR.B.VIJAYSEN REDDY

Counsel for the Respondents: GP FOR PROHIBITION & EXCISE

The Court made the following :

ORDER:

Heard the learned Counsel for the petitioner and the learned Government Pleader for Excise & Prohibition.

The petitioner herein, who is the owner of the vehicle, which was confiscated by the respondents, seeks to assail the order of the appellate authority in appeal dated 25-09-1999, dismissing the appeal and confirming the order of confiscation passed by the primary authority dated 03-04-1999.

The only ground urged on behalf of the petitioner is that on the alleged date of incident, the vehicle was given on hire basis and the property seized in the vehicle does not belong to him and hence the vehicle ought not to have been confiscated. Further, having regard to the confession, which has been made by the accused, the same could not have been acceded to. Except the either of contentions, more so, in view of the fact that confession has been made by the accused, and the same being against the petitioner, the confiscation of the vehicle for the involvement of the affairs by the person concerned, which has been prosecuted against, would not amount to co-accused and the order of confiscation is only the consequence to such involvement. Therefore, the said plea is vague and I do not find any merits in the above writ petition.

The Writ Petition is, accordingly, dismissed. No costs.

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B.PRAKASH RAO, J.

Dated 13-08-2004.

SKMR

To

1. The Commissioner of Excise & Prohibition, Hyderabad.

2. The Dy.Commissioner, Prohibition & Excise,

Karimnagar Division at Karimnagar.

3. The Prohibition & Excise Inspector, Husnabad Station,

Karimnagar.

4 .2CCs to G.P. for Prohibition & Excise, High Court of A.P.,

Hyderabad (OUT).

5. 2CD copies.